



Legislation Details (With Text)

**File #:** 18-0178      **Version:** 0      **Name:** Indoor Smoking - Hookah Lounges  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 1/22/2018      **In control:** Mayor  
**On agenda:**      **Final action:** 4/16/2018  
**Enactment date:**      **Enactment #:** 18-124

**Title:** Indoor Smoking - Hookah Lounges  
For the purpose of excepting hookah lounges from the City’s indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges.

**Sponsors:** President Young, Robert Stokes, Sr.

**Indexes:** Hookah Lounges, Smoking

**Code sections:**

**Attachments:** 1. 18-0178~1st Reader, 2. BDC 18 0178, 3. Finance 18-0178, 4. MHealth 18-0178, 5. Police 18 0178, 6. Law 18-0178, 7. Board fo Liquor License 18-0178, 8. Planning 17-0178, 9. BMZA 18-0178, 10. Fire 18-0178, 11. HCD 18-0178, 12. 2nd Reader Amendment 18-0178, 13. 18-0178~3rd Reader, 14. Completed File\_18-0178

Date	Ver.	Action By	Action	Result
4/16/2018	0	City Council	Enacted, pursuant to Baltimore City Charter, Art. IV, Sec. 5(c)	
2/26/2018	0	City Council	Approved and Sent to the Mayor	
2/5/2018	0	City Council	3rd Reader, for final passage	
2/5/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/30/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
1/25/2018	0	The City Council	Refer to Fire Department	
1/25/2018	0	The City Council	Refer to Police Department	
1/25/2018	0	The City Council	Refer to Board of Liquor Licenses Commissioners	
1/25/2018	0	The City Council	Refer to Dept. of Finance	
1/25/2018	0	The City Council	Refer to Dept. of Planning	
1/25/2018	0	The City Council	Refer to Baltimore Development Corporation	
1/25/2018	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
1/25/2018	0	The City Council	Refer to Dept. of Housing and Community Development	
1/25/2018	0	The City Council	Refer to Dept. of Health	
1/25/2018	0	The City Council	Refer to City Solicitor	
1/22/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	

1/22/2018	0	City Council	Assigned
1/22/2018	0	City Council	Introduced

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***  
**City of Baltimore**  
**Council Bill**

Introduced by: President Young

A Bill Entitled

An Ordinance concerning

**Indoor Smoking - Hookah Lounges**

For the purpose of excepting hookah lounges from the City's indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges.

By repealing and reordaining, with amendments

Article - Health  
Section 12-107  
Baltimore City Revised Code  
(Edition 2000)

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article - Health**

**Title 12. Tobacco Products and Smoking Devices**

***Subtitle 1. Indoor Smoking***

**§ 12-107. Exceptions - [Private clubs, smoking bars, tobacconists] Retail tobacco establishments; Hookah lounges.**

(a) *In general.*

This subtitle does not apply to [a private club or lodge, a smoking bar, or] a retail tobacco establishment or a hookah lounge that qualifies [for an exemption] under this section.

[(b) *Qualifications.*]

[(1) A private club or lodge qualifies under this section only if it:

(i) has a limited membership elected pursuant to its charter or bylaws;

- (ii) excludes the general public from its premises or place of meeting;
- (iii) is organized with officers and directors;
- (iv) holds all property for the common benefit of its members; and
- (v) does not permit nonmembers to pay a temporary fee to use its premises or attend its meetings.]

[(2) A smoking bar qualifies under this section only if it:

- (i) is licensed under State Code Article 2B to serve alcoholic beverages;
- (ii) derives at least 50% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;
- (iii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (iv) prohibits the entry of minors at all times.]

(b) *Retail tobacco establishments.*

[(3)] A retail tobacco establishment qualifies under this section only if it:

- (1) [(i)] derives at least 75% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;
- (2) [(ii)] has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (3) [(iii)] prohibits the entry of minors at all times.

(c) *Hookah lounges.*

(1) *“Hookah lounge” defined.*

In this subsection, “hookah lounge” means an establishment that is primarily devoted to the on-premises use of 1 or more hookahs (also known as a hookah pipe, water pipe, shisha, or narghile) for smoking tobacco or other substances.

(2) *Qualifications.*

A hookah lounge qualifies under this section only if it:

- (i) derives at least 75% of its revenues, measured by average daily receipts, from the sale or use of non-cigarette smoking products and accessories;
- (ii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and
- (iii) prohibits the presence of minors at all times.

**Section 2. And be it further ordained,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**Section 3. And be it further ordained,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.